

BEVERAGES AND BEVERAGE MATERIALS

16501. Action to enjoin and restrain the interstate shipment of cherry juice. U. S. v. DeBadts Bros., a partnership, and Jacob J. DeBadts, Jr, Sarah K. DeBadts, Jay R. DeBadts, and Ralph O. DeBadts. Injunction granted. (Injunction No. 215.)

COMPLAINT FILED: September 12, 1949, Western District of New York, against DeBadts Bros., a partnership, and Jacob J. DeBadts, Jr., Sarah K. DeBadts, Jay R. DeBadts, and Ralph O. DeBadts, Sodus, N. Y.

NATURE OF CHARGE: That the defendants had been, and were at the time, introducing and delivering for introduction into interstate commerce, at Sodus, N. Y., cherry juice which was adulterated in the following respects: Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances, such as decayed fruit material; and, Section 402 (a) (4), the product had been, and was still being, prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged that the filthy and decomposed substances of which the product consisted, in whole or in part, were derived from rotten, decayed, moldy, and wholly or partly fermented cherries which were pressed by the defendants to obtain the cherry juice; that the insanitary conditions of the defendants' plant consisted of, and resulted from, the presence of vinegar flies and other insects in and around the plant, including machinery and equipment used in preparing, packing, and holding the juice; and that the defendants continued to introduce and ship into interstate commerce, adulterated cherry juice, and would continue to so ship such cherry juice unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendants be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: March 1, 1950. The defendant firm having consented to the entry of a decree, the court issued an order perpetually enjoining the defendants from shipping in interstate commerce any cherry juice which was adulterated, as alleged in the complaint.

16502. Adulteration of tomato juice. U. S. v. Comstock Canning Corp. Plea of guilty. Fine, \$500. (F. D. C. No. 29600. Sample Nos. 76614-K, 76622-K.)

INFORMATION FILED: August 7, 1950, Western District of New York, against the Comstock Canning Corp., Newark, N. Y.

ALLEGED SHIPMENT: On or about January 20 and 24, 1950, from the State of New York into the State of Missouri.

LABEL, IN PART: "Red Robe [or "American Lady" or "Topmost"] Tomato Juice * * * General Grocer Co. Distributors St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 11, 1950. A plea of guilty having been entered, the court fined the corporation \$500.